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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ROBERT BLAIR KRUEGER,

11 Plaintiff,

12 v.

13 WACHOVIA MORTGAGE, FSB;
14 GOLDEN WEST SERVICE CO.;
NDEX WEST, LLC; and DOES 1
through 50,

15 Defendants.
16

Civil No. 09cv2639 JAH(BLM)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

17 This matter came on for hearing before this Court on January 7, 2010, on plaintiff's
18 motion for preliminary injunction. Plaintiff Robert Krueger appeared personally and was
19 represented by Edward Haase. Defendants were represented by Douglas Matsui. After a
20 careful consideration of pleadings and relevant exhibits submitted in support of, and in
21 opposition to, the instant motion along with the oral argument presented by counsel at
22 the hearing, and for the reasons set forth at the hearing, IT IS HEREBY ORDERED that:

- 23 1. Plaintiff's motion for a preliminary injunction is **GRANTED**;
- 24 2. Defendants, their agents, servants, employees and representatives, and all
25 persons acting in concert or participating with them, are hereby **ENJOINED AND**
26 **RESTRAINED** from engaging in, committing or performing directly or indirectly, any of
27 the following acts:

- 28 a. Foreclosing upon, selling or otherwise transferring the real property

1 located at 2744 Chatsworth Blvd., San Diego, California 92106;

2 b. Interfering with plaintiff's possession of the real property located at
3 2744 Chatsworth Blvd., San Diego, California 92106; and

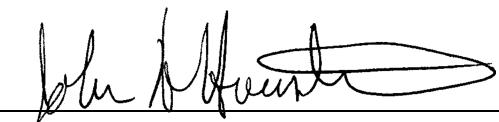
4 c. Instituting legal proceedings including but not limited to unlawful
5 detainer proceedings to remove or otherwise interfere with plaintiff's possession of the real
6 property located at 2744 Chatsworth Blvd., San Diego, California 92106;

7 3. **No later than January 22, 2010**, plaintiff shall post a bond with the Clerk
8 of Court in an amount equal to the unpaid balance to date of his monthly mortgage
9 payments (\$2,690.00 per month); and shall continue to post with the Clerk of Court the
10 bond amount in the sum of \$2,690.00 no later than the fifth (5th) day of each month
11 until this injunction is dissolved or the instant lawsuit is concluded;

12 4. Should plaintiff fail to post the required bond amount by January 22, 2010
13 or fail to post the continuing bond amount each month thereafter within fifteen (15) days
14 of the date the posting is due, defendants may file a motion seeking to dissolve the
15 preliminary injunction; and

16 5. Defendants shall file an answer or other responsive pleading in compliance
17 with the Federal Rules of Civil Procedure and the Local Rules of this District within
18 twenty (20) days of the date of this Order.

19
20 DATED: January 12, 2010



JOHN A. HOUSTON
United States District Judge